

REMARKS

Claims 1 to 5, 9, 11 to 18 and new claim 28 remain in this application. Claim 1 has been amended to incorporate the subject matter of claims 8, 7 and 6 and is thus in condition for allowance based upon the indication of allowability of claim 8 if rewritten in independent form to include the subject matter of the dependent claims. Thus, claims 1 to 9 should be allowed.

Claims 19 to 27 have been cancelled to reduce the issues for examination and claims 11 to 18 have been amended to be dependent upon new claim 28 with the understanding that claims 17 and 18 were indicated as allowable by the Examiner if rewritten in independent form. Thus, the only remaining issue is the patentability of claim 28 as now discussed.

Claim 28 is based upon claim 10, but includes additional limitations as discussed below. Claim 10 as filed was rejected by the Examiner as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,326,599 of *Shutic* which was cited by the Applicant in the Information Disclosure Statement. The Applicant respectfully submits that the *Shutic* '599 reference does not disclose or suggest the underbooth powder paint collection apparatus or booth assembly recited in original claim 10 or new claim 28. As correctly noted by the Examiner, the *Shutic* '599 reference discloses an underbooth powder paint collection apparatus including an air circulation system for painting a product with particulate paint which includes a plurality of discreet powder reclamation collectors (22) including filters (40) and a continuous air circulation chamber (39) which receives air and particulate powder paint from the paint spray booth (45). However, the *Shutic* '599 patent does not disclose or suggest a separate continuous air chamber above each of the rows of discreet powder reclamation chambers having generally parallel side walls joining the side walls of the powder reclamation collectors providing a continuous air plenum bridging the inlets of the powder reclamation collectors and providing an air plenum above each of the powder reclamation collectors. The *Shutic* '599 reference teaches away from this invention, wherein a common plenum (39) is provided for both rows of powder reclamation collectors.

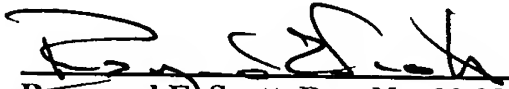
As set forth in the specification of this application, the prior art reclamation collector design has many drawbacks because of the separate funnel-like air chamber which create areas of inconsistent air pressure circulated through the plenum which disrupts the air flow through the paint booth. U.S. Patent No. 5,743,958 of *Shutic*, which was cited by the Examiner in his rejection of claims 3, 12 and 21 under 35 U.S.C. § 103(a) is typical of this type of design. However, the air plenum (39) of the *Shutic* '599 patent would suffer the same drawbacks as the underbooth powder collection apparatus disclosed in the *Shutic* '958 patent because the air flow from the paint booth is not confined and directed into a plurality of powder reclamation collectors as recited in claim 28. Instead, in the *Shutic* '599 patent, a "symmetrical flow pattern" is provided "within the cabin" which, "in effect, divides the vehicle cabin in half with the longitudinal axis of the vehicle body providing the axis of symmetry" (column 2, lines 31 to 36), such that the particulate powder falls on the upwardly directed V-shaped deflector (unnumbered in Figures 2 and 3) and the air flow is directed into the bottom of the collectors, directly contrary to the teaching of this invention as defined in claim 28.

The Applicant therefore respectfully requests reconsideration and allowance of new claim 28 which patentably defines over the prior art for the reasons set forth above. Claims 11 to 18 are now dependent upon new claim 28 and claims 19 to 27 have been cancelled. The Applicant therefore respectfully submits that this application is in condition for allowance and early allowance is respectfully requested.

Attached is a check in the amount of \$110.00 as required by the late filing of this Response. The Commissioner is authorized to charge our Deposit Account No. 08-2789 for any additional fees or credit the account for any overpayments regarding this Response.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.


Raymond E. Scott, Reg. No. 22,981
The Pinchurst Office Center, Suite 101
39400 Woodward Avenue
Bloomfield Hills, Michigan 48304-5151
Telephone: (248) 723-0306

Dated: October 9, 2003

CERTIFICATE OF EXPRESS MAILING

I hereby certify that the enclosed **Amendment** is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope as "Express Mail Post Office to Addressee," Mailing Label No. **EL997489195US** and addressed to **Mail Stop Fee Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **October 9, 2003**.


Tracy L. Smith

G:\d\durr\indus\ip00080\patent\Amendment 10-9-03.doc